IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

Bail Appl..No. 7667 of 2006()

AGAINST THE ORDER IN BA.7117/2006 Dated 01/12/2006
CMP.12096/2006 of J.M.F.C.-II,NEYYATTINKARA
Crime No.119/03 of Pozhiyoor Police Station

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: PETITIONER/ACCUSED NO.3

S.SHYJU, AGED 30 YEARS,
OTTACHAMURI PUTHENVEEDU, CHOOZHAL,
ADAKKAKUZHI P.O., KANYAKUMARI DISTRICT,
TAMILNADU.

BY ADV. SRI.C.C.THOMAS

RESPONDENT: COMPLAINANT

STATE OF KERALA REPRESNETED BY
SUB INSPECTOR OF POLICE, POZHIYOOR POLICE STATION,
THIRUVANANTHAPURAM DISTRICT, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No.7667 of 2006

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Dated this the 15th day of January, 2007.

ORDER

Petitioner, who is the third accused (originally 2nd accused) in Crime No.119 of 2003 of Pozhiyoor Police Station for an offence punishable under Section 55(a) of Abkari Act for allegedly carying 1085 litres of spirit on 26.7.2003 and who was arrested on 3.11.2006 in relation to another crime and who was remanded to judicial custody in this case on 15.11.2006, seeks his enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application, he fairly conceded that no final report has been filed even after 60 days of judicial custody of the petitioner. If so, the petitioner is entitled to be released on bail as of right by virtue of the proviso to Section 167(2) Cr.P.C.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.- II, Neyyattinkara and subject to the following conditions:-

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. Petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

4. Petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.Ramkumar,
Judge.

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